

JANICE MCCOY

MAY 16, 2012

<p style="text-align: center;">133</p> <p>1 Do you recognize this, sort of, the</p> <p>2 overall document?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Is it the Senate Journal from March 18th, 2009?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And do you see on the pages I've directed you</p> <p>7 to, there's a letter that was submitted by Senator West?</p> <p>8 A. The letter was submitted by Senator Van de</p> <p>9 Putte. Senator West had comments further down the page.</p> <p>10 Q. Gotcha.</p> <p>11 A. Is that the letter you're referring to?</p> <p>12 Q. Yes, the letter that -- well, I'm referring to</p> <p>13 the letter the starts out by saying, "Senator West</p> <p>14 submitted the following statement."</p> <p>15 A. Oh, that's not a letter. That's his statement.</p> <p>16 Q. Okay.</p> <p>17 A. Uh-huh.</p> <p>18 Q. And then on the next page, if you see, it was</p> <p>19 signed off by Senators West, Ellis, Gallegos, Lucio,</p> <p>20 Shapleigh, Uresti, Van de Putte, Watson, Whitmire and</p> <p>21 Zaffirini?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And can you look at Paragraph Number 8, and</p> <p>24 there's a sentence in there that says, "No Senator who</p> <p>25 is an ethnic minority has voted in favor of such</p>	<p style="text-align: center;">135</p> <p>1 range Texas, underscore, 00003857 through 00003920.</p> <p>2 And I'd like to direct your attention to</p> <p>3 Page 3911. It's the second page of this.</p> <p>4 Do you recognize -- first of all, do you</p> <p>5 recognize this document?</p> <p>6 A. I don't think I've seen the whole document, but</p> <p>7 I recognize it what it is.</p> <p>8 Q. Is it a transcript -- does it appear to be a</p> <p>9 copy of a transcript from the Committee of the Whole on</p> <p>10 March 10th, 2009?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Is that when you considered SB -- when the</p> <p>13 Senate considered SB 362?</p> <p>14 A. Yes.</p> <p>15 Q. Can you look at the bottom of 3911. It's a</p> <p>16 statement from Senator Fraser. And if you see at the</p> <p>17 bottom of the page, the statement says, "And I actually</p> <p>18 came back, and sat down, and I've got probably,</p> <p>19 interestingly, more research and more reading and debate</p> <p>20 on this bill maybe than one that I've ever done."</p> <p>21 Can you tell me what reading and research</p> <p>22 the Senator is referring to in that?</p> <p>23 MR. FREDERICK: Objection, legislative</p> <p>24 privilege. Instruct you not to answer.</p> <p>25 A. Again, I mean, the same reports and polls that</p>
<p style="text-align: center;">134</p> <p>1 legislation," and it's talking about voter ID</p> <p>2 legislation. Why do you think these senators felt the</p> <p>3 need to put in the record the fact that no ethnic</p> <p>4 minority had voted in favor of voter ID legislation?</p> <p>5 MR. FREDERICK: Objection, legislative</p> <p>6 privilege to the extent it calls for the thought process</p> <p>7 of these senators. If you can answer on a nonprivileged</p> <p>8 basis, you can.</p> <p>9 A. I cannot.</p> <p>10 Q. (By Ms. Maranzano) Did Senator Fraser place any</p> <p>11 significance on the fact that there was such unified</p> <p>12 opposition from the minority members of the Senate?</p> <p>13 MR. FREDERICK: Objection, legislative</p> <p>14 privilege. Instruct you not to answer.</p> <p>15 A. I'll assert privilege.</p> <p>16 Q. (By Ms. Maranzano) Why do you think there was</p> <p>17 such strong opposition to SB 362?</p> <p>18 MR. FREDERICK: Objection, legislative</p> <p>19 privilege. Objection, calls for speculation. I</p> <p>20 instruct you not to answer.</p> <p>21 A. I'll assert privilege.</p> <p>22 (Exhibit 34 marked for identification.)</p> <p>23 Q. (By Ms. Maranzano) Okay. I'm showing you what</p> <p>24 we're marking as Deposition Exhibit 34.</p> <p>25 For the record, it's labeled Texas, Bates</p>	<p style="text-align: center;">136</p> <p>1 I referenced earlier would be what he was referencing</p> <p>2 there.</p> <p>3 Q. (By Ms. Maranzano) Nothing in addition to what</p> <p>4 you've already testified about?</p> <p>5 A. No, ma'am.</p> <p>6 (Exhibit 35 marked for identification.)</p> <p>7 Q. (By Ms. Maranzano) Okay. We marked this as</p> <p>8 Deposition Exhibit 35. It's TX underscore 00 --</p> <p>9 A. It's the same one you just gave us.</p> <p>10 Q. Oh, okay. Well, we have two copies. I'm going</p> <p>11 to -- all right. Let's just use the same exhibit, then.</p> <p>12 I'm going to direct your attention</p> <p>13 Page 3940.</p> <p>14 A. Uh-huh.</p> <p>15 Q. And do you see there is a comment from Senator</p> <p>16 Watson?</p> <p>17 A. Oh, maybe it is different. Uh-huh. Yes.</p> <p>18 Q. Yes. Okay. And do you see that he asks a</p> <p>19 question: "Are you familiar with any data or study</p> <p>20 that's been done with regard to some sort of statistical</p> <p>21 analysis concerning the effect of the new requirements</p> <p>22 of Senate Bill 362?" And then on the next page, you see</p> <p>23 Senator Fraser has an answer, and at the end of that,</p> <p>24 that paragraph, he says, "I think you're asking a</p> <p>25 subjective question that we have objective data that is</p>

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<p style="text-align: center;">137</p> <p>1 available that the witnesses are going to lay out. 2 You're asking have I done that? The answer is no." Do 3 you see all that? 4 A. Uh-huh. 5 Q. Do you recall this testimony? 6 A. Not specifically, but... 7 Q. Did Senator Fraser ever do any research on how 8 SB 362 would impact minority voters? 9 MR. FREDERICK: Objection, legislative 10 privilege. Instruct you not to answer. 11 Q. (By Ms. Maranzano) Was there any testimony 12 presented during the debate of SB 362 by Senator Fraser 13 about any analysis related to the impact that the bill 14 would have on minority voters? 15 A. I think the only testimony that Senator Fraser 16 might have talked about, in terms of voter turnout, 17 minority or not, was the election results from Indiana 18 and Georgia. 19 Q. Did SB 362 pass the Senate? 20 A. Yes. 21 Q. Did Senator Fraser have any role with regard to 22 SB 362 once it was referred to the House? 23 A. No. 24 Q. Did you have any role? 25 A. I met with Representative Todd Smith once.</p>	<p style="text-align: center;">139</p> <p>1 Q. Okay. All right. Thank you for the 2 distinction. 3 A. Yeah. I don't -- yeah. 4 Q. You testified earlier about Senate Bill 363. 5 Do you recall that -- 6 A. Yes, ma'am. 7 Q. -- when we read the news article? 8 Can we have this marked as Exhibit 36? 9 (Exhibit 36 marked for identification.) 10 Q. (By Ms. Maranzano) Does this appear to be a 11 copy of Senate Bill 363 that you referred to earlier? 12 A. Yes, ma'am. 13 Q. What are the general requirements of this 14 legislation in regard to voter registration applicants? 15 A. Honestly, without reading it again, I can't 16 tell you. 17 Q. Would it sound correct to you if I said that 18 this requires voter registration applicants to prove 19 citizenship? 20 MR. FREDERICK: And take your time to read 21 it, if you need to. 22 A. (Viewing documents.) Yes. 23 Q. (By Ms. Maranzano) What was the purpose of 24 Senate Bill 363? 25 MR. FREDERICK: I object to legislative</p>
<p style="text-align: center;">138</p> <p>1 Q. Anybody else? 2 A. No. 3 Q. What was your meeting with Representative Smith 4 about? 5 MR. FREDERICK: Object, legislative 6 privilege to the extent it seeks the substance of the 7 communications, but you are free to describe general 8 subject matter of the meeting, if you can. 9 A. Senate Bill 14. I mean, specifically the 10 provisions in Senate Bill 14. 11 Q. (By Ms. Maranzano) And did Representative Smith 12 carry Senate Bill -- oh, wait. Did you say Senate Bill 13 14? 14 A. Oh, I'm sorry. Senate Bill 362. I'm sorry. 15 Q. Did Representative Smith carry Senate Bill 362 16 in the House? 17 A. Yes. 18 Q. And did the bill pass the House? 19 A. No. 20 Q. Why not? 21 A. It ran out of time. 22 Q. Was it essentially filibustered in the House? 23 A. I don't really remember how that worked, but I 24 think it -- yes. No. That's the wrong term. The 25 calendar was filibustered.</p>	<p style="text-align: center;">140</p> <p>1 privilege to the extent that it seeks mental 2 impressions, thought process, or confidential 3 communications, but to the extent that the question just 4 seeks the purpose of the bill, then you may answer, if 5 you know. 6 A. I don't remember. 7 Q. (By Ms. Maranzano) Was this filed at the same 8 time as Senate Bill 362? 9 A. Yes, ma'am. 10 Q. Were they filed -- would you say these bills 11 were filed in conjunction with each other? 12 A. Yes, ma'am. 13 Q. Why would it be necessary for a voter 14 registration applicant to prove their citizenship? 15 MR. FREDERICK: Objection, calls for 16 speculation. 17 A. I don't remember this bill. 18 Q. (By Ms. Maranzano) Did you work on this bill, 19 Ms. McCoy? 20 A. Not since it was filed in November of 2008. 21 Q. Do you recall that press release that we looked 22 at earlier today? 23 A. Yes, ma'am. 24 Q. And did it mention Senate Bill 363? 25 A. Yes, ma'am.</p>

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<p style="text-align: center;">141</p> <p>1 Q. And didn't you testify that you had written</p> <p>2 that press release?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Are you aware of any evidence that noncitizens</p> <p>5 register to vote?</p> <p>6 MR. FREDERICK: I'll object, legislative</p> <p>7 privilege, to the extent this seeks your thought</p> <p>8 process, mental impressions or those of Senator Fraser</p> <p>9 related to this pending legislation. To the extent you</p> <p>10 can answer just based on general knowledge, if you can,</p> <p>11 you're free to do so.</p> <p>12 A. I don't know.</p> <p>13 Q. (By Ms. Maranzano) You don't know of any</p> <p>14 evidence?</p> <p>15 A. I do not.</p> <p>16 Q. Did you look into any such evidence when you</p> <p>17 were working on Senate Bill 363?</p> <p>18 MR. FREDERICK: Objection, legislative</p> <p>19 privilege. Instruct you not to answer.</p> <p>20 A. I don't recall.</p> <p>21 Q. (By Ms. Maranzano) Are you familiar with a</p> <p>22 federal law called the Help America Vote Act?</p> <p>23 A. Yes.</p> <p>24 Q. Does HAVA, the Help America Vote Act, implement</p> <p>25 certain identification requirements for voter</p>	<p style="text-align: center;">143</p> <p>1 Q. (By Ms. Maranzano) Do you know what ethnic</p> <p>2 group makes up the largest percentage of the noncitizen</p> <p>3 population in Texas?</p> <p>4 A. The noncitizen --</p> <p>5 Q. Uh-huh.</p> <p>6 A. -- population in Texas? No.</p> <p>7 Q. How long have you lived in Texas?</p> <p>8 A. My whole life.</p> <p>9 Q. And you have no idea what ethnic group makes up</p> <p>10 the largest -- percentage of the noncitizen population?</p> <p>11 A. Do you want me to guess?</p> <p>12 MR. FREDERICK: Objection, argumentative.</p> <p>13 Q. (By Ms. Maranzano) You can make an educated</p> <p>14 guess.</p> <p>15 A. Hispanic.</p> <p>16 Q. And what's your educated guess based on? Your</p> <p>17 time in Texas?</p> <p>18 A. We're close to Mexico.</p> <p>19 Q. Okay. Let's talk about Senate Bill 14. When</p> <p>20 did Senator Fraser introduce Senate Bill 14?</p> <p>21 A. In November of 2010, Senator Fraser filed a</p> <p>22 piece of legislation -- and I don't recall the bill</p> <p>23 number -- that was essentially Senate Bill 14. When</p> <p>24 session started, we refiled that legislation as Senate</p> <p>25 Bill 14, so it was right January of 2011.</p>
<p style="text-align: center;">142</p> <p>1 registration applicants?</p> <p>2 A. Yes.</p> <p>3 Q. Is there any reason to think that those forms</p> <p>4 of identification wouldn't be sufficient?</p> <p>5 MR. FREDERICK: Objection, calls for</p> <p>6 speculation. You can answer if you can.</p> <p>7 A. Well, my understanding is, HAVA requires your</p> <p>8 driver's license or your social security card number.</p> <p>9 Those are the photo -- those are the IDs.</p> <p>10 Q. And if a person does not list those forms of</p> <p>11 identification on their voter registration application,</p> <p>12 are you familiar with any additional requirements?</p> <p>13 A. When they go to vote the first time, they're</p> <p>14 supposed to show some form of ID.</p> <p>15 Q. And do you know what forms of ID are acceptable</p> <p>16 HAVA?</p> <p>17 A. I do not.</p> <p>18 Q. Do you know if it's only photo identification?</p> <p>19 A. I think it's more than that, but I don't know</p> <p>20 specifically.</p> <p>21 Q. Did you look into the requirements of HAVA when</p> <p>22 you were working on any voter identification bills?</p> <p>23 MR. FREDERICK: Object, legislative</p> <p>24 privilege. Instruct you not to answer.</p> <p>25 A. I'll assert privilege.</p>	<p style="text-align: center;">144</p> <p>1 Q. Would it sound correct to you if I say: Did he</p> <p>2 introduce a bill that's called Senate Bill 178?</p> <p>3 A. That's it. Yes, ma'am.</p> <p>4 Q. And that was the one that was introduced prior</p> <p>5 to the session beginning?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Was that the same as Senate Bill 14 as it was</p> <p>8 introduced?</p> <p>9 A. No, ma'am.</p> <p>10 Q. What were the changes?</p> <p>11 A. There was a provision added to Senate Bill 14</p> <p>12 to exempt certain elderly people from the provisions of</p> <p>13 voter ID.</p> <p>14 Q. And how did that get added?</p> <p>15 MR. FREDERICK: Object, legislative</p> <p>16 privilege. If you can answer without revealing</p> <p>17 confidential communications or thought processes, you</p> <p>18 may.</p> <p>19 A. I'll assert privilege.</p> <p>20 Q. (By Ms. Maranzano) Did anyone ask Senator</p> <p>21 Fraser to introduce Senate Bill 14?</p> <p>22 MR. FREDERICK: Object, legislative</p> <p>23 privilege. Instruct you not to answer.</p> <p>24 A. I'll assert privilege.</p> <p>25 Q. (By Ms. Maranzano) Did Senator Fraser ever make</p>

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<p style="text-align: center;">145</p> <p>1 any public commitments to introduce Senate Bill 14 after</p> <p>2 Senate Bill 362 did not get enacted?</p> <p>3 A. Probably, but I can't definitively say.</p> <p>4 Q. Was Senate Bill 14 given a designation by</p> <p>5 Governor Perry as emergency legislation?</p> <p>6 A. Governor Perry designated photo ID as an</p> <p>7 emergency. I don't think that order specifically said</p> <p>8 that bill number.</p> <p>9 Q. What does it mean to be designated emergency</p> <p>10 legislation?</p> <p>11 A. According to the constitution, the Legislature</p> <p>12 can't do anything substantive for 60 days unless the</p> <p>13 Governor says it's an emergency.</p> <p>14 Q. How did photo ID come to be included in the</p> <p>15 Governor's designation?</p> <p>16 A. I don't know. I'll just tell you. I mean...</p> <p>17 Q. Did you have any conversations with anyone in</p> <p>18 the Governor's Office about the emergency designation?</p> <p>19 A. No.</p> <p>20 Q. Did the Senator?</p> <p>21 A. I don't know.</p> <p>22 Q. Why would photo ID requirements need to be</p> <p>23 considered within the first 60 days of the legislative</p> <p>24 session?</p> <p>25 MR. FREDERICK: Objection, calls for</p>	<p style="text-align: center;">147</p> <p>1 MR. FREDERICK: I think that's calls</p> <p>2 for --</p> <p>3 THE WITNESS: Sorry.</p> <p>4 MR. FREDERICK: Just let me finish my</p> <p>5 objection, please.</p> <p>6 THE WITNESS: Okay.</p> <p>7 Q. (By Ms. Maranzano) Who in the Lieutenant</p> <p>8 Governor's Office did you have a conversation with?</p> <p>9 A. Julia Rathgeber and Blaine Brunson.</p> <p>10 Q. How many conversations did you have with them?</p> <p>11 A. Probably two on that issue.</p> <p>12 Q. How many conversations did you have with the</p> <p>13 Lieutenant Governor's Office about SB 14?</p> <p>14 A. I probably spoke to them once or twice a day</p> <p>15 during the whole process until voter ID left the Senate.</p> <p>16 Q. And is there anybody, other than the people</p> <p>17 that you've already testified to from the Lieutenant</p> <p>18 Governor's Office, who you were communicating with?</p> <p>19 A. In the Lieutenant Governor's Office?</p> <p>20 Q. Uh-huh.</p> <p>21 A. No.</p> <p>22 Q. So am I correct that it was Julia Rathgeber,</p> <p>23 Blaine Brunson and Bryan Hebert?</p> <p>24 A. Uh-huh.</p> <p>25 (Brief discussion held off the record.)</p>
<p style="text-align: center;">146</p> <p>1 speculation. You can answer if you know.</p> <p>2 A. I don't know.</p> <p>3 Q. (By Ms. Maranzano) Were there any elections</p> <p>4 scheduled within the first 60 days of 2011, of the 2011</p> <p>5 legislative session?</p> <p>6 A. I don't think so, but I can't speak to every</p> <p>7 election that local governments or...</p> <p>8 Q. What other categories of -- what other topics</p> <p>9 were given emergency designation in 2011?</p> <p>10 A. I don't remember.</p> <p>11 Q. Does legislation automatically get considered</p> <p>12 within the first 60 days if it's designated as emergency</p> <p>13 legislation?</p> <p>14 A. No.</p> <p>15 Q. Who makes the decision whether or not the</p> <p>16 legislation will be heard within the first 60 days?</p> <p>17 A. My guess is leadership, Lieutenant Governor or</p> <p>18 the Speaker. They set the calendars.</p> <p>19 Q. Did you have any conversations with anybody in</p> <p>20 the Lieutenant Governor's Office about SB 14 getting</p> <p>21 heard within the first 60 days of the 2011 legislative</p> <p>22 session?</p> <p>23 MR. FREDERICK: Object, legislative</p> <p>24 privilege.</p> <p>25 A. Yes.</p>	<p style="text-align: center;">148</p> <p>1 Q. (By Ms. Maranzano) Okay. Ms. McCoy, I'm</p> <p>2 showing you what we've marked as Deposition Exhibit 5</p> <p>3 for the record. Do you recognize what this is?</p> <p>4 A. It's the enrolled version of Senate Bill 14.</p> <p>5 Q. And can you look at Section 14 of the bill and</p> <p>6 tell me what forms of identification are permitted under</p> <p>7 Senate Bill 14?</p> <p>8 A. A driver's license, an election ID certificate,</p> <p>9 an ID card by DPS, a military ID card, a citizens</p> <p>10 certificate, a passport, and a license to carry a</p> <p>11 concealed handgun.</p> <p>12 Q. What is a military identification card?</p> <p>13 A. My understanding is it's a card issued by the</p> <p>14 Department of Defense.</p> <p>15 Q. Is it your understanding that only the</p> <p>16 Department of Defense issues military IDs that would be</p> <p>17 acceptable under SB 14?</p> <p>18 A. Yes.</p> <p>19 Q. And what's that understanding based on?</p> <p>20 MR. FREDERICK: We'll object on</p> <p>21 legislative privilege, only to the extent it would</p> <p>22 require you to disclose confidential communications or</p> <p>23 thought process. If it's based on something outside of</p> <p>24 that, then you're free to answer.</p> <p>25 A. I'll assert privilege.</p>

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<p style="text-align: center;">149</p> <p>1 Q. (By Ms. Maranzano) Have you ever seen a 2 military ID card? 3 A. No. 4 Q. Do you know if veterans ID -- a veterans 5 identification is an acceptable form of military 6 identification under SB 14? 7 A. I don't believe that it is. 8 Q. And what is that based on? 9 A. The Department of Veterans Affairs is not a 10 military. It's an executive branch agency. 11 Q. Do you know if any Department of Homeland 12 Security identifications would be considered acceptable 13 under SB 14? 14 A. Again, I would say no. 15 Q. And what is that based on? 16 A. That they're not also not military. They're 17 not under the Department of Defense. 18 Q. What is a citizenship certificate? 19 A. My understanding is when someone becomes a 20 citizen of the United States, they are issued a 21 certificate showing that they are now a citizen. 22 Q. Do you know how much it costs to get a 23 citizenship certificate? 24 A. No. 25 Q. Do you know how much it costs to get a United</p>	<p style="text-align: center;">151</p> <p>1 A. No, ma'am. It's an administrative arm of the 2 Senate. 3 Q. Do they provide legal advice about whether a 4 law complies with federal law? 5 A. No. 6 Q. Are they connected at all to the Texas 7 Legislative Council? 8 A. No. 9 Q. How are those two bodies different? 10 A. The Texas Legislative Council -- well, Senate 11 Engrossing and Enrolling is strictly a body that's 12 designed to assist the senators, but they do the same 13 essential work. They work just for the Senate. 14 MS. MARANZANO: Mr. Frederick, have you 15 produced any documents from the Engrossing and Enrolling 16 branch that Ms. McCoy is testifying about? 17 MR. FREDERICK: I am not aware at this 18 time whether or not we have. 19 MS. MARANZANO: Have you reached out to 20 them in terms of the document requests that were 21 propounded on the State of Texas? 22 MR. FREDERICK: I'm not aware that we 23 have. 24 MS. MARANZANO: It sounds to me like they 25 might have relevant documents, so I'd request that you</p>
<p style="text-align: center;">150</p> <p>1 States passport? 2 A. No. 3 Q. Did you look into the cost of obtaining these 4 IDs when you were working on SB 14? 5 A. No. 6 Q. Can you look at Page 11, Section 16 of the 7 bill? Does SB 14 increase criminal penalties for a 8 person who impersonates a voter? 9 A. Yes. 10 Q. Were you involved in the drafting of SB 14? 11 A. Yes. 12 Q. What involvement did you have? 13 A. I presented options to Senator Fraser, and when 14 he determined what he wanted included in the bill, I had 15 it drafted by Senate Engrossing and Enrolling. 16 Q. Who is Senate Engrossing and Enrolling? 17 A. It's an administrative arm of the Senate that 18 works on -- it's a group of lawyers that help us with 19 bill drafts and amendments. 20 Q. What options did you present to Senator Fraser? 21 MR. FREDERICK: Objection, legislative 22 privilege. Instruct you not to answer. 23 A. I'll assert privilege. 24 Q. (By Ms. Maranzano) Does Senate Engrossing and 25 Enrolling -- did you say that was a committee?</p>	<p style="text-align: center;">152</p> <p>1 all do that. 2 Q. (By Ms. Maranzano) Did you also work with the 3 TLC, Ms. McCoy, in developing SB 14? 4 A. Yes. 5 Q. And what was the TLC's role? 6 A. I'm trying to remember if we did substitutes or 7 amendments. But they assisted me with either a 8 substitute or potential amendments. And then at the 9 end, they also assisted me with the conference committee 10 reports. 11 Q. When you say -- all right. So the substitute, 12 can you tell me what the substitute was? 13 A. I don't remember how we moved this bill through 14 the process. I don't remember if we had a substitute. 15 I don't remember if we had amendments. So once we filed 16 the bill with the E & E draft, I used the Legislative 17 Council, as we moved forward, with whatever drafting 18 needs I had. But I don't remember what those drafting 19 needs are -- were. 20 Q. So just so I'm clear, what -- how do you 21 distinguish between the drafting E & E does versus the 22 drafting that Texas Legislative Council does? Is it the 23 process that the bill is in, or is there another 24 distinction? 25 A. Senate Engrossing and Enrolling moves a lot</p>

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<p style="text-align: center;">153</p> <p>1 faster, so when we need quick drafts, we tend to use</p> <p>2 them. Legislative Council is a little bit slower, but</p> <p>3 they review all of the sections of the code to make sure</p> <p>4 that we're -- if something needs to get changed for</p> <p>5 compliance -- not -- compliance is not the right word,</p> <p>6 but settle up reasons, they'll say, "Hey, if you're</p> <p>7 amending this section of code, you need to address this</p> <p>8 section, too." And so sometimes we go through Leg</p> <p>9 Council, even though we know it's going slower, to make</p> <p>10 sure that we've hit every part of the code or statute</p> <p>11 that we need to.</p> <p>12 Q. And does Leg Council also look at how</p> <p>13 legislation interacts with federal law?</p> <p>14 A. I don't know.</p> <p>15 Q. So did you go through the Engrossing and</p> <p>16 Enrolling with the initial draft of SB 14 because you</p> <p>17 were on an expedited -- because you were -- it was</p> <p>18 because the bill was given emergency designation?</p> <p>19 A. No. We used Engrossing and Enrolling in</p> <p>20 November because we wanted to get the bill filed as</p> <p>21 close to the first day of filing as we could.</p> <p>22 Q. And why was that?</p> <p>23 A. The Senator just wanted to.</p> <p>24 Q. Were there multiple drafts of SB 14 prior to it</p> <p>25 being introduced?</p>	<p style="text-align: center;">155</p> <p>1 that's this Engrossing and Enrolling?</p> <p>2 A. Yes, ma'am. That's how we call them.</p> <p>3 Q. Okay. Who from E & E did you work with on</p> <p>4 Senate Bill 14?</p> <p>5 A. Mardi, M-a-r-d-i, Alexander was my contact.</p> <p>6 Q. Anybody else?</p> <p>7 A. She was head of E & E. I think she assigned it</p> <p>8 to a lawyer, but she's who I dealt with.</p> <p>9 Q. How did you communicate with Ms. Alexander?</p> <p>10 A. E-mail.</p> <p>11 Q. Did you save those e-mails?</p> <p>12 A. If I printed out the e-mail, I saved it. If it</p> <p>13 was not printed out, then it was not saved.</p> <p>14 Q. And would those be in your files if you printed</p> <p>15 out the e-mails?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And that's the files that we talked about</p> <p>18 earlier that you kept of SB 362 and SB 14?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Do you know about how many e-mails you</p> <p>21 exchanged Ms. Alexander?</p> <p>22 A. Three or four.</p> <p>23 Q. For the whole process of drafting SB 14?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Was there anything you looked at, when you were</p>
<p style="text-align: center;">154</p> <p>1 A. Yes.</p> <p>2 Q. And would E & E, Engrossing and Enrolling, be</p> <p>3 the -- would they be the holders of those drafts?</p> <p>4 A. No.</p> <p>5 Q. Who would?</p> <p>6 A. Me.</p> <p>7 Q. And did you keep them?</p> <p>8 A. Yes.</p> <p>9 Q. And did you turn them over to your counsel?</p> <p>10 A. Yes.</p> <p>11 Q. Did Senate Engrossing and Enrolling draft</p> <p>12 SB 362 as well?</p> <p>13 A. Yes.</p> <p>14 Q. Did they draft HB 218 as well?</p> <p>15 A. Oh, I'm sorry. No, no, no. I'm sorry. I got</p> <p>16 confused. Senate Bill 362 in 2009 was drafted by</p> <p>17 Legislative Council.</p> <p>18 Q. And why was that one drafted by Legislative</p> <p>19 Council?</p> <p>20 A. Because it was -- I think what I filed as</p> <p>21 Senate Bill 362 was the Senate Committee report of House</p> <p>22 Bill 218. So that's all I asked them to do, was, like</p> <p>23 would you just make this document ready to file, and</p> <p>24 they did.</p> <p>25 Q. Who from -- if I say E & E, can we agree that</p>	<p style="text-align: center;">156</p> <p>1 developing SB 14, that you haven't already testified to,</p> <p>2 when we were talking about other bills?</p> <p>3 MR. FREDERICK: Object, legislative</p> <p>4 privilege. Instruct you not to answer.</p> <p>5 A. I'll assert privilege.</p> <p>6 Q. (By Ms. Maranzano) Did you have any</p> <p>7 communications about SB 14 with other legislators?</p> <p>8 A. Yes.</p> <p>9 Q. Which legislators?</p> <p>10 A. Throughout the process?</p> <p>11 Q. Uh-huh.</p> <p>12 A. I would say probably 90 percent of the</p> <p>13 senators. Representative Harless.</p> <p>14 Q. Anyone else?</p> <p>15 A. I'm trying to think. That's -- I mean, those</p> <p>16 are the ones I can remember. House members. Other</p> <p>17 House members potentially, but it was probably more of</p> <p>18 size than substantive.</p> <p>19 Q. Did you have communications with any</p> <p>20 individuals from the Governor's Office about SB 14?</p> <p>21 A. Yes.</p> <p>22 Q. And who was that?</p> <p>23 A. Michael Scofield.</p> <p>24 Q. When was that?</p> <p>25 A. Throughout the legislative session.</p>

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<p style="text-align: center;">157</p> <p>1 Q. Were those communications verbal or written?</p> <p>2 A. Verbal.</p> <p>3 Q. By phone or in person?</p> <p>4 A. Both.</p> <p>5 Q. Was Senator Fraser involved in those</p> <p>6 communications?</p> <p>7 A. Yes.</p> <p>8 Q. In none of them?</p> <p>9 A. No.</p> <p>10 Q. What was the nature of those communications?</p> <p>11 MR. FREDERICK: I'll object, legislative</p> <p>12 privilege. Instruct you not to answer.</p> <p>13 A. I'll assert.</p> <p>14 Q. (By Ms. Maranzano) Did you have communications</p> <p>15 about SB 14 with any interest groups or lobbyists?</p> <p>16 A. Yes.</p> <p>17 Q. What groups?</p> <p>18 A. I talked to AARP a couple of times. I'm pretty</p> <p>19 sure the Disability Coalition, although I'm not sure</p> <p>20 that's how they're known, came in a time or two, and</p> <p>21 that group out of Houston, the Patriots or the -- I</p> <p>22 can't think of what their name is.</p> <p>23 Q. Does the King Street Patriots sound correct?</p> <p>24 A. Yes, ma'am. The King Street Patriots. I think</p> <p>25 they came in once. Other than that, I can't think of</p>	<p style="text-align: center;">159</p> <p>1 Q. What was the nature of those conversations?</p> <p>2 MR. FREDERICK: Object on legislative</p> <p>3 privilege and instruct you not to answer.</p> <p>4 A. I'll assert.</p> <p>5 Q. (By Ms. Maranzano) Can you tell me the general</p> <p>6 nature of your conversation with Mr. Bettencourt in</p> <p>7 terms of a --</p> <p>8 A. I generally am having a hard -- I think -- I</p> <p>9 know I talked to him.</p> <p>10 Q. Uh-huh.</p> <p>11 A. And generally, I'm -- I honestly don't recall</p> <p>12 that he was helpful to me. I don't really remember. We</p> <p>13 generally talked about Senate Bill 14.</p> <p>14 Q. How about the general nature of your</p> <p>15 conversation with the King Street Patriots?</p> <p>16 MR. FREDERICK: To the extent it's a</p> <p>17 general subject matter, I'll permit you to answer.</p> <p>18 THE WITNESS: Right. Okay.</p> <p>19 A. I think generally, they came in to talk about</p> <p>20 their history of monitoring elections in Harris County.</p> <p>21 Q. (By Ms. Maranzano) Did they bring up any</p> <p>22 in-person voter impersonation?</p> <p>23 MR. FREDERICK: Object, legislative</p> <p>24 privilege and instruct you not to answer.</p> <p>25 A. I'll assert.</p>
<p style="text-align: center;">158</p> <p>1 any particular interest group that came in.</p> <p>2 Q. Did you have any communications with a group by</p> <p>3 the name of American Legislative Exchange Council, or</p> <p>4 ALEC, about SB 14?</p> <p>5 A. I did not.</p> <p>6 Q. Did the Senator?</p> <p>7 A. Not to my recollection.</p> <p>8 Q. Did you have any communications with an</p> <p>9 individual by the name of Catherine Engelbrecht about SB</p> <p>10 14?</p> <p>11 A. I did not, but I think she testified. Did she</p> <p>12 testify in the Senate? I can't remember. I'm sorry.</p> <p>13 Q. Did you have any communications with an</p> <p>14 individual by the name of Paul Bettencourt about SB 14?</p> <p>15 A. Yes.</p> <p>16 Q. How many?</p> <p>17 A. Maybe two.</p> <p>18 Q. And do you remember when -- when were those</p> <p>19 communications?</p> <p>20 A. I do not recall.</p> <p>21 Q. Were they in person or by phone?</p> <p>22 A. By phone.</p> <p>23 Q. Were you and he the only parties to those</p> <p>24 conversations?</p> <p>25 A. As far as I know, yes.</p>	<p style="text-align: center;">160</p> <p>1 Q. (By Ms. Maranzano) Did you say there was a</p> <p>2 disability group that came in, disability advocate?</p> <p>3 A. I don't -- I think that the disability</p> <p>4 lobbyists, interest group came in as we were in</p> <p>5 conference committee to talk to me about the language</p> <p>6 that was added -- that was amended by the House.</p> <p>7 Q. And what was that amendment?</p> <p>8 A. It was the Section 1 of the bill.</p> <p>9 Q. And were they concerned about that?</p> <p>10 MR. FREDERICK: Objection, legislative</p> <p>11 privilege. Instruct you not to answer.</p> <p>12 Q. (By Ms. Maranzano) Did you have any</p> <p>13 communications about SB 14 with an individual by the</p> <p>14 name of Hans von Spakovsky?</p> <p>15 A. No.</p> <p>16 Q. Did you have any communications with any local</p> <p>17 election officials about SB 14?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did you have any communications with the Texas</p> <p>20 Republican Party about SB 14?</p> <p>21 A. I don't think so, but I don't recall.</p> <p>22 Q. Did Senator Fraser exchange drafts of SB 14</p> <p>23 with anyone other than Engrossing and Enrolling or TLC?</p> <p>24 MR. FREDERICK: We'll object on</p> <p>25 legislative privilege to the extent that it seeks the</p>

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<p style="text-align: center;">161</p> <p>1 substance of those drafts, but the fact that drafts were</p> <p>2 exchanged, you can testify if you remember.</p> <p>3 A. No.</p> <p>4 Q. (By Ms. Maranzano) Did he discuss drafts of the</p> <p>5 bill with anybody other than E & E or the Legislative</p> <p>6 Council?</p> <p>7 MR. FREDERICK: Same objection and</p> <p>8 instruction. The fact of the communications you can</p> <p>9 identify.</p> <p>10 A. I don't think so.</p> <p>11 (Discussion held off the record.)</p> <p>12 (Exhibit 37 marked for identification.)</p> <p>13 Q. (By Ms. Maranzano) Can you take a look at --</p> <p>14 and what exhibit number is -- 23? Okay. So I'm showing</p> <p>15 what we're marking as Deposition Exhibit 37, along with</p> <p>16 what's been previously marked as Deposition Exhibit 23.</p> <p>17 And can you look at 37 for a moment and</p> <p>18 tell me if you recognize that document?</p> <p>19 A. I do.</p> <p>20 Q. What is that?</p> <p>21 A. That's a declaration.</p> <p>22 Q. And is that your declaration?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Did you sign that in response to providing</p> <p>25 information that's contained in Interrogatory Response</p>	<p style="text-align: center;">163</p> <p>1 supplying this information.</p> <p>2 MR. FREDERICK: Okay. Yeah. You can</p> <p>3 answer.</p> <p>4 A. Okay. Well, I worked with the Attorney</p> <p>5 General's Office and Colby in Representative Harless's</p> <p>6 office to try and remember who helped in developing and</p> <p>7 analyzing Senate Bill 14, and amongst three offices,</p> <p>8 this is the list we produced.</p> <p>9 Q. (By Ms. Maranzano) Did you review any documents</p> <p>10 when you were compiling this list?</p> <p>11 A. No.</p> <p>12 Q. Did you review any e-mails when you were</p> <p>13 compiling this list?</p> <p>14 A. No.</p> <p>15 Q. Did you review anything, or is this solely from</p> <p>16 your memory and Mr. Beuck's memory?</p> <p>17 A. I can't speak for Mr. Beuck in terms of how he</p> <p>18 developed.</p> <p>19 Q. Okay. Good point. The names that you provided</p> <p>20 here, are they solely from your memory?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. With regard to Page 3 and 4, do you see there's</p> <p>23 a list of several legislators: Representative Pena,</p> <p>24 Representative Gonzalez, Representative Aliseda, and</p> <p>25 they are described as co-sponsors and joint sponsors?</p>
<p style="text-align: center;">162</p> <p>1 Number 1 in Deposition Exhibit 23?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. What did you do to compile the list of names</p> <p>4 that's included in Response Number 1?</p> <p>5 MR. FREDERICK: I'm going to object to</p> <p>6 that on grounds of work product.</p> <p>7 MS. MARANZANO: But she's verifying the</p> <p>8 names. I'm just asking her what she did to compile the</p> <p>9 information. Is that --</p> <p>10 MR. ROSENBERG: Whose work product?</p> <p>11 MR. FREDERICK: Well, she compiled the</p> <p>12 information at the direction of an attorney, namely</p> <p>13 me. I mean...</p> <p>14 MS. MARANZANO: I mean, I'm interested in</p> <p>15 what she did to come up with the information of who</p> <p>16 participated in the process of putting SB 14 together.</p> <p>17 Did she talk to people? Did she go through records? Is</p> <p>18 that, in your mind, work product?</p> <p>19 MR. FREDERICK: Hmm. I mean, if she can</p> <p>20 answer without waiving the objection.</p> <p>21 MS. MARANZANO: What about this: What did</p> <p>22 you do to make sure this was a complete list of</p> <p>23 individuals responsive to Interrogatory Number 1? Does</p> <p>24 that alleviate your concerns, Mr. Frederick? I mean,</p> <p>25 she did verify in a sworn declaration that she was</p>	<p style="text-align: center;">164</p> <p>1 A. Uh-huh.</p> <p>2 Q. Are there additional joint sponsors and</p> <p>3 co-sponsors of SB 14?</p> <p>4 A. There's additional co-authors. All of the 18</p> <p>5 Senate Republicans signed on as co-authors. I do not</p> <p>6 know if there were additional co-sponsors in the House.</p> <p>7 Q. You know, I'm going to show you what we've</p> <p>8 marked -- what was this -- this has been previously</p> <p>9 marked as Deposition Exhibit 8.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Can you look at that and tell me if it</p> <p>12 refreshes your recollection as to are there other</p> <p>13 co-sponsors of SB 14?</p> <p>14 A. Like I said, all the other 18 Republicans and</p> <p>15 apparently, quite a few House members also were</p> <p>16 co-sponsors.</p> <p>17 Q. So why are only these three of the co-sponsors,</p> <p>18 these three legislators who co-sponsored or joint</p> <p>19 sponsored the bill, listed in response to Interrogatory</p> <p>20 Number 1?</p> <p>21 MR. FREDERICK: You know, I let you ask</p> <p>22 her a little bit. I'm very uncomfortable with this line</p> <p>23 of questioning, because I think it invades attorney work</p> <p>24 product that goes to the process of answering discovery</p> <p>25 and I object to the question on grounds of work product</p>

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<p style="text-align: center;">165</p> <p>1 privilege, the work product immunity.</p> <p>2 MS. MARANZANO: Okay. I mean, our</p> <p>3 position is she signed a sworn declaration that this is</p> <p>4 complete and accurate information.</p> <p>5 MR. FREDERICK: I would disagree.</p> <p>6 MS. MARANZANO: True and correct.</p> <p>7 MR. FREDERICK: Yes, that I would agree</p> <p>8 to.</p> <p>9 MS. MARANZANO: And so our position is</p> <p>10 that we should be able to question her about what she</p> <p>11 did to make sure it was true and correct and what she</p> <p>12 meant, you know, by listing these as the individuals who</p> <p>13 are responsive to the request. It's about the three.</p> <p>14 The question remains about the three</p> <p>15 co-sponsors and joint -- and the -- about Representative</p> <p>16 Aliseda, Representative Gonzalez, Representative Pena,</p> <p>17 and why those three individuals are listed in response</p> <p>18 to Interrogatory Number 1 and why the other co-sponsors</p> <p>19 are not listed. So let's just, you know, be clear. Are</p> <p>20 you going to instruct her not to answer that question?</p> <p>21 MR. FREDERICK: No. I'll permit her to</p> <p>22 respond subject to my objection.</p> <p>23 Q. (By Ms. Maranzano) So the question is about why</p> <p>24 Representative Pena, Gonzalez and Aliseda are listed</p> <p>25 here, and the description provided for them is that they</p>	<p style="text-align: center;">167</p> <p>1 you testimony from yesterday?</p> <p>2 A. Sure.</p> <p>3 Q. The question was: "And the State of Texas has</p> <p>4 indicated that Mr. Beuck assisted with the drafting,</p> <p>5 development, and passage of SB 14 in the Texas House of</p> <p>6 Representatives. Are you aware of any assistance that</p> <p>7 Mr. Beuck provided concerning the drafting of SB 14?"</p> <p>8 Representative Harless said, "I have no</p> <p>9 idea."</p> <p>10 "Were you aware of any assistance he</p> <p>11 provided in the development of SB 14?"</p> <p>12 Representative Harless said, "I have no</p> <p>13 idea."</p> <p>14 MR. FREDERICK: Can I get page and line</p> <p>15 cite for that?</p> <p>16 MS. MARANZANO: Yes. That is, of the</p> <p>17 dirty transcript, at Page 201, Line -- I think I started</p> <p>18 reading -- I read Line 12 through Line 20. And that's</p> <p>19 of the transcript that we were sent last night, not the</p> <p>20 final.</p> <p>21 MR. FREDERICK: Thank you.</p> <p>22 Q. (By Ms. Maranzano) Would that surprise you</p> <p>23 Ms. McCoy?</p> <p>24 A. That she didn't remember?</p> <p>25 Q. That she has no idea if Mr. Beuck was involved</p>
<p style="text-align: center;">166</p> <p>1 were co-sponsors and joint sponsors. But my</p> <p>2 understanding is that there a number of other co-</p> <p>3 sponsors and joint sponsors who are not listed here.</p> <p>4 A. And those names were provided by Representative</p> <p>5 Harless's Office as people that were instrumental in</p> <p>6 specifically drafting, proposing, and developing Senate</p> <p>7 Bill 14. My assumption, when I signed this, was that</p> <p>8 the other members that supported the legislation didn't</p> <p>9 draft, propose, develop, or analyze the bill. They</p> <p>10 supported it, but they didn't do those four things.</p> <p>11 And so that's, I think, probably how these members got</p> <p>12 on the list and not every member.</p> <p>13 Q. And was the person who provided these names to</p> <p>14 you, Mr. Beuck?</p> <p>15 A. Yes.</p> <p>16 Q. And do you see that on Page 5, Mr. Beuck is,</p> <p>17 is also listed?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Would it surprise you to learn that</p> <p>20 Representative Harless testified yesterday that</p> <p>21 Mr. Beuck was not instrumental in drafting, developing,</p> <p>22 and passing SB 14?</p> <p>23 MR. FREDERICK: Object, mischaracterizes</p> <p>24 the testimony and assumes facts not in evidence.</p> <p>25 Q. (By Ms. Maranzano) Would you like to me to read</p>	<p style="text-align: center;">168</p> <p>1 in the development, drafting, and passing of SB 14?</p> <p>2 A. Yes.</p> <p>3 Q. Can you look at -- below Mr. Beuck's name on</p> <p>4 the interrogatories, Bryan Hebert and Julia Rathgeber?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Can you tell me what Mr. Hebert's role was in</p> <p>7 the drafting of SB 14?</p> <p>8 MR. FREDERICK: Object on the grounds of</p> <p>9 legislative privilege. To the extent you can answer</p> <p>10 without revealing -- no, I'm going to object. I'm going</p> <p>11 to object to that on legislative privilege and instruct</p> <p>12 you not to answer.</p> <p>13 A. I'll assert privilege.</p> <p>14 Q. (By Ms. Maranzano) Can you tell me what</p> <p>15 Mr. Hebert's role was in analyzing SB 14?</p> <p>16 MR. FREDERICK: Object, legislative</p> <p>17 privilege. Instruct you not to answer.</p> <p>18 A. I'll assert privilege.</p> <p>19 Q. (By Ms. Maranzano) Can you tell me what</p> <p>20 Ms. Rathgeber's role was in assisting with the</p> <p>21 development of SB 14?</p> <p>22 MR. FREDERICK: Objection, legislative</p> <p>23 privilege. Instruct you not to answer.</p> <p>24 A. I'll assert privilege.</p> <p>25 Q. (By Ms. Maranzano) And at the bottom of Page 5,</p>

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<p style="text-align: center;">169</p> <p>1 the top of Page 6, do you see Mr. Battle is listed as</p> <p>2 somebody who assisted with the analysis of legal</p> <p>3 questions relating to SB 14. Can you tell me what legal</p> <p>4 questions Mr. Battle analyzed?</p> <p>5 MR. FREDERICK: Objection, legislative</p> <p>6 privilege. Instruct you not to answer.</p> <p>7 A. I'll assert privilege.</p> <p>8 MS. MARANZANO: And is that even on what</p> <p>9 issues he was looking at Mr. Frederick, what legal</p> <p>10 issues he --</p> <p>11 MR. FREDERICK: Yeah, that reflects the</p> <p>12 thought process in mental impressions.</p> <p>13 Q. (By Ms. Maranzano) And below Mr. Battle,</p> <p>14 Mr. Brunson is listed as involved in the development of</p> <p>15 SB 14. Can you tell me what his role was in the</p> <p>16 development of SB 14?</p> <p>17 MR. FREDERICK: Objection, legislative</p> <p>18 privilege. Instruct you not to answer.</p> <p>19 A. I'll assert privilege.</p> <p>20 Q. (By Ms. Maranzano) Can you turn to Page 7, and</p> <p>21 there's two individuals who are listed as staff members</p> <p>22 for Senator Tommy Williams, both Amanda Montague and</p> <p>23 Ryan Larue. Can you tell me why these two staffers are</p> <p>24 listed here, but Senator Williams is not?</p> <p>25 MR. FREDERICK: Again, this whole line of</p>	<p style="text-align: center;">171</p> <p>1 response to Interrogatory Number 1?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 MR. FREDERICK: I object. It's attorney</p> <p>5 work product. I instruct you not to answer that</p> <p>6 question.</p> <p>7 Q. (By Ms. Maranzano) Are you following your</p> <p>8 counsel's advice not to answer?</p> <p>9 A. Yes.</p> <p>10 Q. In drafting SB 14, did you or the Senator</p> <p>11 review any studies or reports or analysis that you</p> <p>12 haven't already testified about today?</p> <p>13 MR. FREDERICK: You may testify to the</p> <p>14 fact of yes or no whether you did.</p> <p>15 A. Yes.</p> <p>16 Q. (By Ms. Maranzano) What were those?</p> <p>17 MR. FREDERICK: Objection, legislative</p> <p>18 privilege. Instruct you not to answer.</p> <p>19 Q. (By Ms. Maranzano) How many --</p> <p>20 A. Well, except that in the record, we referenced</p> <p>21 more recent polls, more recent public opinion polls.</p> <p>22 Those types of things weren't -- and they're in the</p> <p>23 record, so I'll tell you that they were there.</p> <p>24 Q. Were there any polls or reports or studies or</p> <p>25 analysis that you reviewed that are not in the public</p>
<p style="text-align: center;">170</p> <p>1 questioning I object to. I object to that question on</p> <p>2 the grounds of work product immunity.</p> <p>3 Q. (By Ms. Maranzano) Why don't we do this,</p> <p>4 Ms. McCoy. Can you just look through the list and tell</p> <p>5 me, as you sit here today, if this looks like a true and</p> <p>6 correct list of individuals involved in the drafting,</p> <p>7 development -- drafting, proposing, development or</p> <p>8 analysis of SB 14?</p> <p>9 MR. FREDERICK: May I also note for the</p> <p>10 record that the State -- I mean, as reflected in the</p> <p>11 exhibit, the State made numerous objections to the</p> <p>12 request, including overbreadth, undue burden.</p> <p>13 But you may answer to the extent you can.</p> <p>14 A. I think that potentially you could have listed</p> <p>15 every elected official and every legislator in this</p> <p>16 document. But I think this list is pretty complete,</p> <p>17 given that Senate Bill 14 and how it was developed.</p> <p>18 Q. (By Ms. Maranzano) Every -- every legislator in</p> <p>19 the Texas Senate could be listed as being involved in</p> <p>20 the drafting, development --</p> <p>21 A. Or analysis.</p> <p>22 Q. -- or analysis?</p> <p>23 A. They all had a thought. They all had talked</p> <p>24 about it. And if you wanted to just...</p> <p>25 Q. Did you consider listing every legislator in</p>	<p style="text-align: center;">172</p> <p>1 record?</p> <p>2 MR. FREDERICK: Again, I'll instruct you</p> <p>3 that you may answer to the question posed, which is a</p> <p>4 yes-or-no question.</p> <p>5 A. Yes.</p> <p>6 Q. (By Ms. Maranzano) And for the record, what</p> <p>7 were those?</p> <p>8 MR. FREDERICK: Objection, legislative</p> <p>9 privilege. Instruct you not to answer.</p> <p>10 A. I'll assert privilege.</p> <p>11 Q. (By Ms. Maranzano) How many were there?</p> <p>12 MR. FREDERICK: You know what, I'm going</p> <p>13 to object to that on legislative privilege and instruct</p> <p>14 you not to answer as well. That goes to thought</p> <p>15 processes and mental impressions.</p> <p>16 A. I'll assert privilege.</p> <p>17 Q. (By Ms. Maranzano) Who were the authors or who</p> <p>18 conducted these reports or studies?</p> <p>19 MR. FREDERICK: Objection, legislative</p> <p>20 privilege. Instruct you not to answer except to the</p> <p>21 extent that the question includes matters that are on</p> <p>22 the public record.</p> <p>23 A. The one in particular that's on the record is</p> <p>24 the one led by Lighthouse.</p> <p>25 Q. (By Ms. Maranzano) Ms. McCoy, did you consider</p>

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<p style="text-align: center;">173</p> <p>1 including any additional forms of identification in 2 SB 14?</p> <p>3 MR. FREDERICK: Objection, legislative 4 privilege. Instruct you not to answer the question. 5 A. I'll assert privilege. 6 Q. (By Ms. Maranzano) Did you consider including 7 identification forms that had expired? 8 MR. FREDERICK: Objection, legislative 9 privilege. Instruct you not to answer. 10 A. Except that -- the answer is yes, and there's 11 an amendment where we -- the original bill required it 12 to be valid and the amendment allowed expired photo IDs 13 to be used. 14 Q. (By Ms. Maranzano) And under SB 14, are you 15 allowed to use identification that has expired for a 16 length of time that is greater than 60 days? 17 A. No. 18 Q. So you're referring to the amendment that 19 allowed for identification, certain forms of 20 identification in SB 14 to be expired for 60 days -- 21 A. Yes, ma'am. 22 Q. -- prior to the presentation? Thank you. 23 What was the purpose of excluding from 24 SB 14 the option that a voter could present two forms of 25 nonphoto ID?</p>	<p style="text-align: center;">175</p> <p>1 A. That's correct. 2 Q. Okay. Ms. McCoy, how often does a driver's 3 license photo need to be renewed? 4 A. I don't know. 5 Q. Do you know how often a driver's license needs 6 to be renewed? 7 A. Six years. 8 Q. Did you think it was an important consideration 9 to look into whether -- how recent a photo would be on 10 one of the forms of identification that you were 11 requiring under SB 14? 12 MR. FREDERICK: Objection, legislative 13 privilege. Instruct you not to answer. 14 A. I'll assert. 15 Q. (By Ms. Maranzano) Pursuant to SB 14, who will 16 be verifying the voter's identity when they -- well, who 17 looks at the -- 18 A. The election worker. 19 Q. And how would they do that? 20 MR. FREDERICK: Objection to the extent it 21 calls for speculation. If you know, you can answer. 22 A. I think the legislation is designed for the 23 Secretary of State to write rules to implement that 24 provision. 25 Q. (By Ms. Maranzano) Do you know if there's going</p>
<p style="text-align: center;">174</p> <p>1 MR. FREDERICK: Objection, legislative 2 privilege. Instruct you not to answer. 3 Q. (By Ms. Maranzano) What changed between 2009 4 and 2011 that would impact what forms of voter -- what 5 forms of identification would verify a voter's identity? 6 MR. FREDERICK: I object on legislative 7 privilege. To the extent there are matters in the 8 record that you can identify, you're free to do so, but 9 don't go beyond that. 10 A. On the record, Senator Fraser said he thought 11 the additional two years from 2009 to 2011 provided us 12 the opportunity to see that the states that had voter ID 13 were not -- that it was working. 14 Q. (By Ms. Maranzano) What do you mean by that? 15 A. That people were still voting, that turnout was 16 still fine, that there hadn't been any voter had come 17 forward that had been unable to vote. 18 Q. And are you referring to anything other than 19 what we already talked about with the Senator having 20 presented the actual turnout rates from Georgia and 21 Indiana? 22 A. No. 23 Q. And so I believe we discussed that the Senator 24 didn't do any -- whether the Senator did any additional 25 research other than looking at the turnout rates?</p>	<p style="text-align: center;">176</p> <p>1 to be additional training given to poll workers on that 2 topic? 3 A. I think under Senate Bill 14, the Secretary of 4 State is instructed to provide additional training. 5 Q. Did you discuss any of these regulations with 6 the Secretary of State's Office? 7 MR. FREDERICK: I'll object on legislative 8 privilege. To the extent it calls for communications 9 between you, Senator Fraser, and the Secretary of 10 State's Office about SB 14 or any other pending 11 legislation. 12 A. I'll assert privilege. 13 MS. MARAZANO: And just for the record to 14 be clear, are you asserting privilege over the fact of 15 whether or not she had a conversation with the Secretary 16 of State's Office? 17 MR. FREDERICK: I did not intend to, so if 18 you want to reask the question, I'm not intending to 19 prevent you from discovering that. 20 Q. (By Ms. Maranzano) Did you have conversations 21 with the Secretary of State's Office about SB 14? 22 A. Yes. 23 Q. How many? 24 A. Five or six. 25 Q. And when were those?</p>